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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 JOSHUA GERSTEIN,
17 Plaintiff,
18 v.
19 CENTRAL INTELLIGENCE AGENCY,
et al.,
20 Defendant.
21

Case No. C 06-04643 MMC

**STIPULATION TO EXTEND
DEFENDANTS' BRIEFING DEADLINE
FOR RENEWED MOTION FOR
SUMMARY JUDGMENT ; ORDER**

22 The parties hereby stipulate to an additional 30-day extension of the deadline for
23 defendants' renewed motion for summary judgment, the deadline for which presently is December
24 5, 2008. The bases for this stipulation are as follows:

25 1. Pursuant to the Court's September 26, 2008 Order, defendants were to file a renewed
26 motion for summary judgment with respect to two categories of documents: (1) the withholding
27 by the Central Intelligence Agency (CIA) of fourteen documents referred by the Department of
28 Justice (DOJ) pursuant to Exemption 3 of the Freedom of Information Act (FOIA), 5 U.S.C. §

1 552; and (2) the withholding of documents by the Office of Professional Responsibility (OPR), an
2 office within DOJ. The September 26 Order allowed defendants the opportunity to supplement
3 their motions for summary judgment in order to further explain the bases for applications of FOIA
4 Exemptions to these two categories of documents by November 21, 2008.

5 2. On November 17, 2008, defendants sought a two-week extension of time, until
6 December 5, 2008. The Court granted the extension by minute order on November 18, 2008. At
7 the time that motion was filed, undersigned counsel had been advised that two weeks would be a
8 sufficient amount of time for the CIA and OPR to complete preparation of their documents in
9 support of the renewed motion for summary judgment.

10 3. CIA has provided counsel with the necessary information.

11 4. Counsel has not yet received all of the necessary information from OPR. Due to
12 turnover in staff (both the paralegal and the attorney who prepared OPR's response to plaintiff's
13 FOIA request have retired from the government since defendants filed their motion for partial
14 summary judgment in August 2007), it is a time-consuming and difficult task to identify the
15 universe of documents withheld, either in full or in part, in response to plaintiff's FOIA request.
16 Once the universe has been identified, OPR will draft a new declaration and Vaughn index in
17 support of the renewed motion for summary judgment. To ensure adequate time to prepare an
18 accurate and comprehensive declaration and index, defendants request a period of up to 30 days,
19 or until January 5, 2009, to file their renewed motion for summary judgment.

20 5. On December 3, 2008, defendants' counsel contacted plaintiff, advising him that the
21 government needed more time to file a renewed motion for summary judgment with respect to
22 OPR, but that the government could proceed with filing a motion on December 5 with respect to
23 the CIA. In response, plaintiff has stipulated to a 30-day extension of time and further indicated
24 he preferred keeping the deadlines for both CIA and OPR aligned.

Accordingly, the parties stipulate to extend the defendants' briefing deadline by 30 days,
or until January 5, 2009.

Respectfully submitted,

JOSHUA GERSTEIN

GREGORY A. KATSAS
Assistant Attorney General

/s/

Plaintiff

/s/

Carlotta P. Wells
Senior Trial Counsel
United States Department of Justice
Civil Division
Federal Programs Branch

Dated: December 4, 2008


Dated: December 4, 2008

~~PROPOSED~~ ORDER

Upon consideration of the parties' stipulation, the deadline for the government's renewed motion for summary judgment is extended by 30 days, to reflect that defendants' renewed motion for summary judgment is due no later than January 5, 2009.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 5, 2008


MAXINE M. CHESNEY
United States District Judge